



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone

(617)-796-1120

Telefax

(617) 796-1142

E-mail

mkruse@ci.newton.ma.us

Public Hearing Date: July 13, 2004
Land Use Action Date: *To Be Determined*
Board of Aldermen Action Date: September 20, 2004
90-Day Expiration Date: October 11, 2004

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Development Review Coordinator
Alexandra Ananth, Planner

DATE: July 9, 2004

SUBJECT: Petition #288-04 of TRB & ASSOCIATES INC. c/o THOMAS BLAKELY/ERMINIO & CAROLINE DiDUCA for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct two new buildings, each containing two attached dwelling units on land currently vacant and located on the north side of WATERTOWN STREET, between Faxon and Pearl Streets, Ward 1, NONANTUM, identified as Section 11, Block 10, Lot 2, containing approx. 20,104 sf of land in a district zoned MULTI RESIDENCE 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The subject property is located on the north side of Watertown Street near the Newton-Watertown border, between Pearl and Faxon Streets. The 20,100 sq. ft lot is currently vacant and abuts the southern side of Stearns Park.

The petitioners are seeking to construct two new buildings, each containing two 2½-story attached dwelling units, for a total of four dwelling units. The petitioners are proposing four single-car garages within the proposed new construction and 4 surface parking stalls.

The City's Chief Zoning Code Official (CZCO) has completed his review of this application for special permit. A copy of his memorandum, dated June 16, 2004, is attached to this document (SEE ATTACHMENT "A").

II. ZONING RELIEF BEING SOUGHT

The petitioners are seeking approval through or relief from the following sections of the City's Zoning Ordinance:

- 1. Section 30-9(b)(5) allows the Board of Aldermen to grant a special permit in a Multi-Residence District for single family attached dwellings; and*
- 2. Section 30-9(b)(5)(b) allows the Board of Aldermen to grant exceptions to Section 30-9(b)(5)(a) (no parking space shall be located within 20 ft. of a boundary line and no driveway shall be located within 10 ft. of a side or rear lot line) and to the dimensional controls in Section 30-15, if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety or protection of environmental features. The petitioners are requesting waivers for the driveway to be located within 10 ft. of the easterly side lot line (and as close as 2.6 ft.), and for parking space #4 to be located within the required 20 ft. parking setback (and as close as 7.9 ft to the easterly lot line).*

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider the following:

- *Whether the specific site is an appropriate location for a 4-family attached dwelling development;*
- *Whether the 4-units and associated new curbcut, driveway, and parking area will result in vehicular or pedestrian safety concerns;*
- *Whether the design and scale of the proposed units and associated parking areas are appropriate to the site and neighborhood; and*
- *Whether the driveway and parking setbacks proposed are appropriate and would be in the public interest.*

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The subject property consists of a 20,100 sq. ft. vacant lot located along the north side of Watertown Street between Pearl and Faxon Streets, in Nonantum. The site is rectangular and relatively level, and abuts Stearns Park. The site is bordered by a 20 ft. wide strip of land owned by the City of Newton that contains a pedestrian walkway, which leads into Stearns Park. The site is also adjacent to Stearns

Place, a private way, which provides access to a 4-unit condo development at 263 Watertown St.



Vacant lot proposed for Stearns Park Place as viewed from Watertown St.

B. Neighborhood and Zoning

The subject property is located on the north side of Watertown Street in Nonantum, close to the Watertown border. The parcel is part of a sizable residential area zoned Multi-Residence 2. Approximately 100 ft. to the west is the edge of the Nonantum Village Center zoned Business 1.

The surrounding neighborhood primarily includes attached dwelling developments, an apartment building and single and two-family structures. Though the surrounding neighborhood is zoned Multi-Residence 2, Stearns Park abuts the subject property to the rear. Across Stearns Place to the east is a four-unit condominium building. A recently completed 9-unit attached dwelling development is east of this 4-unit building as is the 35-unit affordable elderly housing project, being developed by CASCAP, which is currently under construction.

In addition to being located one block from the Nonantum Village Center, the site is also within walking distance of a strip shopping center in Watertown containing a Super Stop & Shop supermarket and a CVS drugstore, among others.

V. ANALYSIS

A. Technical Considerations

The following table compares the proposed attached dwelling development to the technical requirements as follows:

Attached Dwellings in Multi-Residence 2 (by special permit)	Required (for attached dwellings)	Proposed
Minimum lot size	15,000 sq. ft	20,100 sq. ft.
Minimum lot area per unit	4,000 sq. ft.	5,025sq. ft.
Frontage	80 ft.	110 ft.
Setbacks		
Front	25 ft.	25.3 ft.
Side (west)	25 ft.	25.5 ft.
Side (east)	25 ft.	25.2 ft.
Rear	25 ft.	26.5 ft.
Building height	30 ft.	28.5 ft.
Max. # of stories	2½-stories	2½-stories
Floor area ratio	Max. set on a case by case basis	.43
Lot coverage	25%	22.7%
Open space	50%	57.7%
Parking stall setback	20 ft.	7.9 ft (parking stall #4)
Driveway setback	10 ft.	2.6 ft.

As illustrated above, the proposed buildings meet all of the dimensional requirements. The petitioners are proposing to locate one parking stall (stall #4) within the required 20 ft. parking stall setback, and to locate the driveway within the required 10 ft. setback.

For reference purposes the maximum permitted FAR for a two-family structure in this district is .4. The petitioners are proposing an FAR of .43

The Planning Department notes that by right alternatives for this lot could allow up to an 8,000 sq. ft. (not including the attic) 2-family structure plus a detached garage up to 700 sq. ft. Though the subject property contains enough land area for two separate lots, the property does not have the required frontage for two lots.

B. Land Use

The land uses surrounding the subject property are multifamily residence and open space (Stearns Park). The subject property is zoned Multi-Residence 2. The petitioners are proposing to construct two new two-family attached dwelling buildings on-site, for a total of 4-units. *Although the proposed land use is consistent with the surrounding neighborhood, it should be noted that the Community Development Block Grant Nonantum Advisory Committee, the Planning and Development Department, and the Parks and Recreation*

Department submitted an application to the Community Preservation Committee in November 2003 for funds to appraise the subject property for potential acquisition in order to expand Stearns Park. Though the Advisory Committee has been in negotiations with the current landowner for over a year, the owner has recently signed an option with the petitioners for the current proposal.

C. Building Design and Site Improvements

The subject property consists of a 20,100 sq. ft. vacant lot. The petitioners are proposing to construct two separate two-unit attached dwelling buildings for a total of 4 units on-site. As proposed, each unit will have a single car garage and an exterior parking stall.

The proposed front building (Building A) faces Watertown Street, and the second building (Building B) faces Stearns Park. The second building is located directly behind the first building so that when viewed from either the street or park, only one building would be visible.

The proposed attached dwelling buildings appear to be clapboard though *building materials are not stated on submitted plans*. The proposed buildings will be approximately 56 ft. long and 42 ft. deep. Each proposed unit would be approximately 2,250 sq. ft. not including the attic space and 1-car garage. Although there is a range of FAR's in the immediate neighborhood (***SEE NEIGHBORHOOD COMPARISON CHART, ATTACHMENT "B"***), the proposed units will be larger than most, and much larger than the average floor area/unit. In relation to the land area, the development will be slightly larger than the average for the neighborhood (average FAR = 0.39; the proposed FAR = 0.43). *Although the units are larger than most in the neighborhood, they do not appear to be significantly out of scale. However, if there is any concern about the preservation of the character of the neighborhood, in relation to the scale of the housing units, the Board may want to ask the petitioner to bring the overall square footage down such that the FAR would be equal to the average (0.39).*

While the petitioners have made some improvements to the plans over pre-submittal reviews, there is still some room for improvement. The Planning Department notes that many residences in the immediate neighborhood (particularly those directly across Watertown St.) are located closer to the street than the proposed Building A. *The Planning Department has encouraged the petitioners to move this building forward towards Watertown Street as this would allow for increased parking between the two buildings and eliminate the need for the setback waiver for the 4th parking stall. The Planning Department also recommends the petitioners consider staggering the footprints of the units in order to break up the width and mass of the façades.*

The petitioners should submit revised plans and elevations showing proposed building materials and any changes to the proposed units and/or footprint prior to the close of the public hearing.

D. Traffic and Parking

Currently there is no vehicular access to the site. The petitioners are proposing to locate a 16 ft. wide driveway and curbcut from Watertown Street adjacent to the eastern side lot line (and as close as 2.6 ft.) that would lead back between the two buildings. Each unit will have a single car garage. In addition, three exterior spaces are located 20 ft. from the western side lot line between the two buildings, and one space (parking stall #4) is proposed to be located adjacent to Building 2, 7.9 ft. off the eastern side lot line.

The petitioners will need to remove a street tree in order to locate their proposed driveway and are proposing to relocate or replace the tree approximately 15 ft. west of the current location.

The City Transportation Planner has reviewed this project and is in agreement with the Traffic Impact Assessment submitted by the petitioners, which states that as a result of the construction of these four residential units, there will not be any noticeable change in the overall levels of service between “base” and “projected” traffic conditions at the intersection of Watertown Street and Stearns Place.

Additionally, the Transportation Planner notes that Stearns Place, which provides access to the residences at 263 Watertown Street, will be less than 20 feet away from the proposed new site driveway. Though access and parking appears to be adequate for the site, he has concerns that conflicts may occur between cars turning left out of the proposed site and cars turning right out Stearns Place. *The petitioners should address this concern with the Planning Department prior to being scheduled for a Working Session.*

As stated earlier the Planning Department recommends that Building A be moved forward in order to relocate parking stall #4 adjacent to the other exterior stalls. In addition, the Planning Department recommends that the petitioners consider reducing the width of the proposed driveway to 12-14 ft, and increase the east side setback. This would increase green space and will move the driveway farther away from the pedestrian access to the park and Stearns Place.

E. Landscaping

As the site has been vacant for many years, the property contains a number of low quality trees that the petitioners are proposing to remove. As such, the petitioners will be required to meet the City’s Tree Ordinance and are proposing new landscaping throughout the site. ***Although not under the purview the Board, it is recommended that the petitioners develop a plan at this point, which will comply with the Tree Ordinance. Prior to the working session, the petitioners should submit a copy of their tree replacement plan, with a listing, by caliper inch of all trees to be removed and proposed replacement trees, to the Tree Warden and Planning Department for review.***

In addition to the plantings on-site, the petitioners have also stated that they are willing to place trees on and maintain the City owned 20 ft. wide strip of land which separates the site from Stearns Place. Though the petitioner will need to discuss this proposed arrangement with the Public Works and Parks and Recreation Departments, the Planning Department believes this would be an appropriate enhancement to the pedestrian access route from Watertown Street into Stearns Park and encourages this arrangement as a condition should the Board approve this special permit. *In addition, the Planning Department recommends that some low shrubs be included on the east side of the driveway to provide a visual and physical barrier between the new driveway and the accessway to the park, to help separate the vehicular and pedestrian access points.*

The petitioners are proposing to remove a street tree on Watertown Street in order to locate their proposed driveway, and are proposing to relocate or replace the tree approximately 15 ft. west of the current location. *The petitioners should file for a street tree removal hearing prior to this project being scheduled for a Working Session.*

F. Department Reviews

The Acting City Engineer is expected to complete his site review prior to the scheduled public hearing.

G. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.

The proposed circulation pattern indicates that a new 16 ft. wide curb-cut will extend from Watertown Street along the eastern side of the site approximately 100 ft. back, with 3 exterior parking stalls between the two buildings 20 ft. off the western side lot line, and one stall adjacent to Building B, at 7.9 ft. from the eastern side lot line. The Planning Department has recommended the petitioners reduce the width of the driveway to 12-14 ft. and that the petitioners shift Building A forward in order to relocate parking stall #4 adjacent to the other exterior stalls. These changes will allow for an increased buffer along the east side of the property, adjacent to the park accessway, and will provide a more rational parking scheme on site.

The City Traffic Engineer is expected to provide comments on this prior to the public hearing.

2. Screening of parking areas and structures on the site from adjoining premises or from the street.

The petitioners are proposing three new Green Vase Japanese Zelkovas trees in the front yard along Watertown Street, and 8 Maple Trees behind Building B on the north property line adjacent to Stearns Park. The

petitioners are also proposing 33 Techny Arborvitae along the western side lot line and the three proposed exterior parking spaces on the west side of the site. *The Planning Department recommends the petitioners reduce the number of arborvitae proposed in favor of a mix of deciduous and evergreen trees along the western side lot line. In addition, the incorporation of some low shrubs along the east property line would provide visual separation of this site from the City owned access-way. Finally, the petitioners should submit copies of the landscape plan and information on the trees being removed and new trees being planting (types, caliper inch, condition), to the Tree Warden and Planning Department, to assure that the landscape plan cited in the Board Order, if the petition is approved, will meet the intent of the Tree Ordinance.*

The petitioners are proposing 5 Heritage Birch trees on the City's 20 ft. parcel adjacent to Stearns Place. *The petitioners should submit a copy of this planting plan to the Department of Public Works and the Parks and Recreation Departments for review and approval prior to the Working Session.*

3. Avoidance of major topographical changes.

The project is designed to work with the existing topography and the plans do not indicate any changes of grade in excess of 3 ft.

4. Consideration of site design including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines.

Although the size of the units is well above the average unit size for the surrounding neighborhood, the proposed FAR is only slightly above the average. As such, for the most part, the Planning Department believes the proposed units are in scale with the site and the attached dwelling style appears to be in keeping with the multi-family character of other residences in the neighborhood. *To improve the relationship of these buildings with the streetscape, particularly the residences across Watertown Street, the Planning Department recommends that the petitioners shift Building A forward on the site. This should also allow sufficient room for the 4th parking space to be moved to the western side of the property. Offsetting the footprints of the individual units should help soften the façades of the proposed structures.*

5. Adequacy of disposal of wastes.

The petitioners have not indicated where trash will be stored for collection. *The petitioners should provide further information on this subject prior to the Working Session.*

H. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

The site is located in a Multi-Residence 2 District, comprised primarily of multifamily structures, as such a multifamily development would be an appropriate use for this site. Although larger than most units in the area, the proposed attached dwelling units should not appear to be out of scale with the site.

2. The use as developed and operated will not adversely affect the neighborhood.

The Planning Department believes that the proposed use is consistent with the surrounding neighborhood and will not adversely impact the surrounding area.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

With some modifications to the site plan, including the reduction of the driveway width, increased setback of the driveway from the east property line, and consolidation of the 4 parking stalls into one area, there should not be any nuisance or hazard to vehicles or pedestrians. *See Sections V.-D., and G.-1. & 2.*

4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

See Sections V.-D., and G.-1. & 2.

VI. SUMMARY

The subject property is located on the north side of Watertown Street near the Newton-Watertown border, between Pearl and Faxon Streets. The site currently consists of a 20,100 sq. ft. vacant lot abutting the southern side of Stearns Park.

The petitioners are seeking to construct two new buildings each containing two 2½-story attached dwelling units for a total of four dwelling units on-site. The petitioners are proposing four single-car garages within the proposed new construction and 4 surface parking stalls. The petitioners are requesting waivers for the driveway to be located within 10 ft. of the easterly side lot line (and as close as 2.6 ft.), and for parking space #4 to be located within the required 20 ft. parking setback (and as close as 7.9 ft to the easterly lot line).

The site is bordered by a 20 ft. wide strip of land owned by the City of Newton that contains a pedestrian walkway that leads into Stearns Park. The Transportation Planner notes that Stearns Place, a private way that provides access to the 4 residences at 263 Watertown Street, will be less than 20 feet away from the proposed new site driveway. Though access and parking appears to be adequate for the site, he has concerns that

conflicts may occur between cars turning left out of the proposed site and cars turning right out Stearns Place.

While the petitioners have made some improvements to the plans over pre-submittal reviews, there is still some room for improvement. The Planning Department notes that many residences in the immediate neighborhood are located closer to the street than the proposed Building A, and the Planning Department encourages the petitioners to consider moving this building forward towards Watertown Street. This would allow for increased parking between the two buildings and would allow for the elimination of the proposed setback waiver for parking stall #4. The Planning Department also recommends the petitioners consider staggering the footprints of the units in order to break up the width of the façades. Finally, the Planning Department recommends the petitioners consider reducing the width of the proposed driveway to 12-14 ft in order to increase open space and increase the distance between the proposed site driveway and Stearns Place.

As the site has been vacant for many years, the site currently contains a number of low quality trees that the petitioners are proposing to remove. As such, the petitioners will be required to meet the City's Tree Ordinance and are proposing new landscaping throughout the site. The petitioners are also proposing 33 Techny Arborvitae along the western side lot line and the three proposed exterior parking spaces on the west side of the site. The Planning Department recommends the petitioners reduce the number of arborvitae proposed in favor of a mix of deciduous and evergreen trees along the western side lot line. The petitioners will also need to remove a street tree in order to locate their proposed driveway and are proposing to relocate or replace the tree approximately 15 ft. west of the current location.

The petitioners have stated that they are willing to place trees on and maintain the City's 20 ft. wide strip which separates the site from Stearns Place. The Planning Department believes this would be an appropriate enhancement to the pedestrian access route from Watertown Street into Stearns Park and encourages this arrangement with the permission of the Public Works and Parks and Recreation Departments.

Prior to being scheduled for a Working Session:

- 1. The petitioners should submit revised architectural elevations, site plans, and landscape plans to the Planning Department including proposed building materials, any changes to the proposed units and/or footprints, any changes to the driveway and/or parking area, and any changes to the planting plan.***
- 2. The Petitioners should respond to all issues raised by the Fire Department and City Engineer.***
- 3. The petitioners will need to file for a street tree removal hearing.***
- 4. The petitioners should discuss site access with both the Planning Department and the City Traffic Engineer.***
- 5. The petitioners should submit a landscape plan with all necessary information on the number, size, and types of trees to be removed, and the number, size and type of new trees, to the Tree Warden for review and approval.***

- 6. The petitioners should submit a copy of the planting plan to the Department of Public Works and the Parks and Recreation Department for review and approval.***
- 7. The petitioners should provide information on trash storage.***

Neighborhood Comparison Chart

	<u>Yr. Built</u>	<u>Lot Area</u>	<u># of Units</u>	<u>Lot Area Per Unit</u>	<u>House Size</u>	<u>Approx. Floor Area Per Unit</u>	<u>Approx. FAR</u>
279-81 Watertown St	1980	12,690	2	6,345	3,000	1,500	0.24
263 Watertown St	1986	19,820	4	4,955	4,278	1,070	0.22
243-45 Watertown St	2003	54,193	9	6,021	23,844	2,649	0.44
246-48 Watertown St	1920	5,243	2	2,622	3,539	1,770	0.67
250-52 Watertown St	1920	5,089	2	2,545	2,752	1,376	0.54
254-56 Watertown St	1930	5,323	2	2,662	3,129	1,565	0.59
268 Watertown St	?	15,095	4	3,774	4,438	1,110	0.29
272 Watertown St	1890	8,106	2	4,053	2,830	1,415	0.35
278 Watertown St	2003	10,536	2	5,268	4,882	2,441	0.46
282 Watertown St	1890	11,099	2	5,550	2,259	1,130	0.20
286 Watertown St	1910	11,127	1	11,127	2,623	2,623	0.24
Avg.		13,194		4,578	4,799	1,555	0.39
Stearns Park Place (Proposed)		20,100	4	5,025	9,073	2,268	0.43